



General Assembly

February Session, 2014

Raised Bill No. 70

LCO No. 827



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND THE DEPARTMENT OF AGRICULTURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 23-8 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) The Commissioner of Energy and Environmental Protection
4 shall have power, acting by himself or with local authorities, to
5 acquire, maintain and make available to the public open spaces for
6 recreation. Said commissioner may take, in the name of the state and
7 for the benefit of the public, by purchase, gift or devise, lands and
8 rights in land and personal estate for public open spaces, or take bonds
9 for the conveyance thereof, or may lease the same for a period not
10 exceeding five years, with an option to buy, and may preserve and
11 care for such public reservations, and, in his discretion and upon such
12 terms as he may approve, such other open spaces within this state as
13 may be entrusted, given or devised to the state by the United States or

14 by cities, towns, corporations or individuals for the purposes of public
15 recreation, or for the preservation of natural beauty or historical
16 association, provided said commissioner shall not take or contract to
17 take by purchase or lease any land or other property for an amount or
18 amounts beyond such sum or sums as have been appropriated or
19 contributed therefor. No provision of this section shall be construed to
20 set aside any terms or conditions under which gifts or bequests of land
21 have been accepted by the commissioner.

22 (b) Twenty-one per cent of the state's land area shall be held as open
23 space land. The goal of the state's open space acquisition program shall
24 be to acquire land such that ten per cent of the state's land area is held
25 by the state as open space land and not less than eleven per cent of the
26 state's land area is held by municipalities, water companies or
27 nonprofit land conservation organizations as open space land
28 consistent with the provisions of sections 7-131d to 7-131g, inclusive.
29 Such program shall not affect the ability of any water company to
30 reclassify or sell any land, or interest in land, which was not acquired,
31 in whole or in part, with funds made available under the program
32 established under sections 7-131d to 7-131g, inclusive. The
33 Commissioner of Energy and Environmental Protection, in
34 consultation with the Commissioner of Agriculture, the Commissioner
35 of Public Health and the Council on Environmental Quality
36 established under section 22a-11, municipalities, regional planning
37 agencies and private nonprofit land conservation organizations, shall
38 prepare not later than December 15, 2012, and update not less than
39 once every five years thereafter, a comprehensive strategy for
40 achieving the state goal. Such strategy shall include, but not be limited
41 to: (1) An estimate of the acres of land preserved by the state,
42 municipalities, water companies and nonprofit land conservation
43 organizations, (2) an evaluation of the potential methods, cost and
44 benefits of establishing a system for increasing the accuracy of such
45 estimate of acres of land preserved by encouraging the voluntary
46 submittal of information regarding new acquisitions by municipalities,

47 water companies and nonprofit land conservation organizations,
48 including the relative costs and benefits of having a state agency, a
49 constituent unit of higher education or a nongovernmental
50 organization host and operate such system, (3) timetables for
51 acquisition of land by the state, (4) plans for management of such land,
52 (5) an assessment of resources to be used for acquisition and
53 management of such land, and (6) the highest priorities for acquisition
54 of land, including the wildlife habitat and ecological resources
55 identified to be in greatest need for immediate preservation, and the
56 general location of each high priority. On or before January first,
57 annually, the commissioner shall submit a report to the joint standing
58 committee of the General Assembly having cognizance of matters
59 relating to the environment regarding the strategy and the progress
60 being made towards the goals. For the purpose of this subsection, "to
61 acquire land" includes, but is not limited to, the acquisition in fee
62 simple of land and the acquisition of easements for the conservation of
63 land.

64 (c) To further the efforts to preserve open space in the state and to
65 help realize the goal established in subsection (b) of this section to have
66 at least twenty-one per cent of the state's land held by the state,
67 municipalities, land conservation organizations and water utilities as
68 open space, the Department of Energy and Environmental Protection
69 shall conduct an evaluation of lands of class A water companies, as
70 defined in section 16-1, to determine the resource value and potential
71 desirability of such lands for purchase for open space or public
72 outdoor recreation or natural resource conservation or preservation.
73 The water companies and land conservation organizations shall work
74 cooperatively with the department and provide maps and other
75 information to assist the Department of Energy and Environmental
76 Protection in the evaluation of these properties and said department
77 shall develop strategies for alternative methods of funding the
78 preservation of water company lands in perpetuity as open space.

79 (d) To further the efforts to preserve open space in the state and to

80 help realize the goals established in subsection (b) of this section, the
81 Commissioner of Energy and Environmental Protection shall establish
82 a process by which each state agency may identify lands owned by the
83 state that are in the custody of such state agency and that are valuable
84 for conservation purposes. The commissioner shall include in the
85 comprehensive strategy prepared pursuant to subsection (b) of this
86 section strategies for preserving in perpetuity state lands of high
87 conservation value in addition to the required use of conservation
88 restrictions, as described in subsection (h) of this section. In developing
89 such strategies, the commissioner shall consult with each state agency
90 that has custody of such lands and shall consider the present and
91 future needs of each such state agency.

92 (e) To further the efforts to preserve open space in the state and to
93 help realize the goals established in subsection (b) of this section, on or
94 before October 1, 2014, the Commissioner of Energy and
95 Environmental Protection, in consultation with each state agency, shall
96 identify lands owned by the state that are in the custody of each state
97 agency and that are valuable for conservation purposes. Said
98 commissioner shall consult with the Commissioner of Public Health
99 about any lands owned by the state that are identified as water supply
100 lands.

101 (f) For the purposes of this section, any land or interest in land that
102 is under the custody or control of the Department of Energy and
103 Environmental Protection or the Department of Agriculture shall be
104 deemed to be a land of high conservation value except that the
105 Commissioners of Energy and Environmental Protection and
106 Agriculture, individually, may determine that any land or interest in
107 land that is under the custody or control of such commissioner is not a
108 land of high conservation value. Any such determination shall be
109 made in writing and shall state the reasons for such a determination.

110 (g) Any land of high conservation value that is held by the state for
111 the purpose of meeting the requirements of subsection (b) of this

112 section shall be preserved for the purpose of retaining such land and
113 any attendant water areas of such land as open space and in a natural
114 and scenic condition provided such preservation shall allow any
115 agricultural, forestry or recreational activities and requisite
116 improvements to such land for conducting such activities that are
117 consistent with such land's status as land of high conservation value.

118 (h) The deed for any land of high conservation value that is held by
119 the state, regardless of whether such land is held by the state for the
120 purpose of meeting the requirements of subsection (b) of this section,
121 shall contain a conservation restriction, as defined in section 47-42a.
122 Such restriction may be acquired by a governmental body or a
123 charitable corporation, in accordance with the provisions of section 47-
124 42c, and may be enforced in accordance with the provisions of section
125 47-42b.

126 (i) No land or interest in land that is under the custody or control of
127 the Department of Energy and Environmental Protection or the
128 Department of Agriculture and that is a land of high conservation
129 value shall be conveyed or exchanged unless each of the following
130 requirements is met: (1) Such conveyance or exchange is consistent
131 with the terms or conditions that applied to the state's acquisition or
132 receipt of such land, (2) such land or interest in land is determined by
133 the agency's commissioner, in writing, to not be integral or significant
134 to the resource management programs of such agency, (3) for any such
135 exchange, the commissioner of such agency determines, in writing,
136 that the land or interest to be received by the agency or the state in
137 such exchange: (A) Has a fair market value that is equal to or greater
138 than the fair market value of the land or interest that the state will
139 convey in such exchange, based upon any appraisal performed in
140 connection with such exchange, and (B) provides substantially greater
141 utility to the resource management programs of such agency or any
142 other state agency, (4) the commissioner of such agency determines, in
143 writing, that such conveyance or exchange is consistent with the state
144 plan of conservation and development, (5) for any such conveyance,

145 the state obtains a conservation restriction, as defined in section 47-42a,
146 on the land conveyed by such agency that: (A) Retains any restriction
147 that existed on such property prior to such conveyance, and (B)
148 provides for the reversion of such property to the state in the event
149 that such restriction is violated by the party who receives such land,
150 and such party does not pay fair market value for such land, (6) the
151 commissioner of such agency provides notice of such proposed
152 conveyance not later than thirty days after a determination pursuant to
153 subdivision (2) of this subsection to the chief elected official and any
154 planning and zoning board and inland wetlands agency of any town
155 where such land to be conveyed by the state is located, and (7) such
156 conveyance or exchange is approved by the joint standing committee
157 of the General Assembly having cognizance of matters relating to the
158 environment, following a public hearing on such conveyance or
159 exchange held by said committee.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	23-8

Statement of Purpose:

To provide for the permanent preservation of state lands of high conservation value.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]